

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TAKEDA PHARMACEUTICAL
COMPANY LTD., TAKEDA
PHARMACEUTICALS U.S.A., INC.,
TAKEDA PHARMACEUTICALS
AMERICA, INC., and TAKEDA
IRELAND LIMITED,

Plaintiffs,

v.

TORRENT PHARMACEUTICALS LTD.
and TORRENT PHARMA INC.,

Defendants.

Civil Action No. 17-3186 (SRC)(CLW)

(CONSOLIDATED)

(Filed Electronically)

TAKEDA PHARMACEUTICAL
COMPANY LTD., TAKEDA
PHARMACEUTICALS U.S.A., INC.,
TAKEDA PHARMACEUTICALS
AMERICA, INC., and TAKEDA
IRELAND LIMITED,

Plaintiffs,

v.

INDOCO REMEDIES LTD.,

Defendant.

Civil Action No. 17-7301 (SRC)(CLW)

(Filed Electronically)

**TAKEDA'S NOTICE OF MOTION FOR SUMMARY JUDGMENT OF
INFRINGEMENT AND VALIDITY**

PLEASE TAKE NOTICE that on October 7, 2019, attorneys for Takeda Pharmaceutical Company Ltd., Takeda Pharmaceuticals U.S.A., Inc., Takeda Pharmaceuticals America, Inc., and Takeda Ireland Limited (collectively, “Takeda”) shall move before the Honorable Stanley R. Chesler at Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Room 4015, Newark, NJ 07101, for entry of an Order for summary judgment declaring that: (1) Claims 4 and 12 of Takeda’s U.S. Patent No. 7,807,689 (“the ’689 patent”) patent are not invalid; (2) making, using, offering to sell, or selling Torrent’s Alogliptin Generic Product, described in ANDA No. 21-0159, will infringe Claims 4 and 12 of the ’689 patent; (3) making, using, offering to sell, or selling Torrent’s Alogliptin-Metformin Generic Product, described in ANDA No. 21-0160, will infringe Claims 4 and 12 of the ’689 patent; (4) making, using, offering to sell, or selling Torrent’s Alogliptin-Pioglitazone Generic Product, described in ANDA No. 21-0161, will infringe Claims 4 and 12 of the ’689 patent; (5) making, using, offering to sell, or selling Indoco’s Alogliptin Generic Product, described in ANDA No. 210002, will infringe Claims 4 and 12 of the ’689 patent; (6) making, using, offering to sell, or selling Indoco’s Alogliptin-Metformin Generic Product, described in ANDA No. 209998, will infringe Claims 4 and 12 of the ’689 patent; (7) Torrent’s ANDA Nos. 21-0159, 21-0160, and 21-0161 shall not be finally approved by FDA prior to the expiration of the ’689 patent on June 27, 2028 (*See* 35 U.S.C. § 271(e)(4)); and (8) Indoco’s ANDA Nos. 210002 and 209998 shall not be finally approved by FDA prior to the expiration of the ’689 patent on June 27, 2028 (*Id.*).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Takeda shall rely upon its Memorandum of Law in Support of Its Motion for Summary Judgment of Infringement and Validity, Takeda’s Statement of Undisputed Material Facts in Support of Its Motion for Summary Judgment of Infringement and Validity, The Declaration of Dr. David E. Nichols,

Ph.D. in Support of Summary Judgment on Validity of Claims 4 & 12 of U.S. Patent No. 7,807,689, and the Certification of Christopher J. Harnett and Exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that Takeda hereby requests oral argument on this motion.

PLEASE TAKE FURTHER NOTICE a proposed form of order is submitted herewith.

Dated: September 10, 2019

By: s/ William C. Baton

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